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(charge)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Engelhardt

Serial No.: 10/718,391

Filed: November 19, 2003

For: *In vitro* Processes for Producing Multiple Copies of Primer sequence-Free
Specific Nucleic Acid

Confirmation No. 9721

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO CLAIM BENEFIT UNDER 35 USC 120, 121, OR 365(C) OF A
PRIOR COENDING NONPROVISIONAL APPLICATION OR
INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES OF
AMERICA (37 C.F.R. 1.78(A))**

1. Applicant hereby petitions, in accordance with §1.78(a)(3) to claim the benefit, for this application under 35 USC 120 of prior copending nonprovisional application no. 10/260,031, filed June 6, 2003. Application serial no. 10/260,031 claims benefit under 35 USC 120 of application serial no. 09/302,817, filed February 3, 1998. Application serial no. 09/302,817 claims benefit of application serial no. 08/182,621, filed on January 13, 1994.
2. Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(2)(ii) of 37 CFR §1.78 and the date of this claim is filed was unintentional.

3. The surcharge fee set forth in §1.17(t) required by 37 CFR 1.55(c)(1) is paid as follows. Authorization is hereby made to charge the amount of \$1,370.00 to deposit account no. 05-1135 for the petition fee and any extra fees that may be required.

A duplicate of this sheet is enclosed.

Respectfully submitted,

Date: 11/17/06

Cheryl H. Agris

Cheryl H. Agris, Reg. No. 34,086